

Below is the Order of the Court.




Marc Barreca
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

DEMETRIUS BERTRAND DICKERSON, SR.,

Debtor.

Case No. 12-11284-MLB

**NOTICE OF EVIDENTIARY HEARING
AND ORDER SETTING DEADLINES**

1. Hearing Setting. This matter is set regarding **Damages (Doc. 128)** for a one day¹ evidentiary hearing commencing at **9:30 a.m. on August 13, 2020** in the United States Bankruptcy Court, 700 Stewart Street, Courtroom 7106, Seattle, Washington.

2. Compliance. Counsel/parties are advised that failure to comply with the procedures and deadlines set forth in this order, including the duty to provide the court with documents as necessary, may result in adverse rulings, and/or dismissal of the motion. **The hearing may be stricken and the motion dismissed with prejudice or relief entered without further notice, and/or evidence excluded, for failure to comply with this order.** Counsel (and *pro se* parties) shall advise chambers in writing of any change of address and/or telephone number.

3. Pre-hearing Deadlines.

¹ If counsel anticipates that the hearing will take longer than the length of time set forth in this order, counsel must, within ten (10) days of the date of this order, notify the Court and opposing counsel, by letter electronically filed with the Court, of the anticipated length of hearing. The Court will then schedule a pre-hearing conference to facilitate any changes to the length of the hearing and to discuss any other preliminary matters.

- 1 a. **Disclosure of Expert Witnesses.** On or before **July 14, 2020** the movant shall
2 disclose to the non-moving party, in writing the name of each expert witness he
3 intends to call at the hearing, including a brief statement of the opinions to be
4 expressed by each expert and the basis and reasons therefor, the data or other
5 information considered by the expert in forming the opinions, any exhibits to be
6 used as a summary of or support for the opinions, and the qualifications of the
7 expert and the compensation to be paid for the study and testimony. On or
8 before **July 24, 2020** the non-moving party shall disclose to the movant, in
9 writing the name of each expert witness he intends to call at the hearing,
10 including a brief statement of the opinions to be expressed by each expert and the
11 basis and reasons therefor, the data or other information considered by the expert
12 in forming the opinions, any exhibits to be used as a summary of or support for
13 the opinions, and the qualifications of the expert and the compensation to be paid
14 for the study and testimony.
- 15 b. **Business Records.** Any party intending to offer a record into evidence by
16 declaration pursuant to Federal Rules of Evidence 902(11), 902(12), and 803(6)
17 must provide written notice of that intention to all adverse parties, and must
18 make the record and declaration available for inspection on or before **July 24,**
19 **2020.**
- 20 c. **Discovery Cutoff.** All discovery shall be completed on or before **August 3,**
21 **2020.**
- 22 d. **Further Briefing.** Further briefing, if any, shall be filed no later than **August 6,**
23 **2020.**
- 24 e. **Exhibits.** An identification of each document or other exhibit, including
25 summaries of other evidence – separately identifying those items the party
expects to offer and those it may offer if the need arises – shall be provided to all
adverse parties by **August 6, 2020.**
- 1 1. **Identification.** A number sequence shall be used for all exhibits of all
2 parties, with prefixes indicating the offering party (i.e., D = Debtor -
3 D1, D2, D3, or X1, X2, X3).
- 4 2. **Format.** Exhibits shall be pre-marked in accordance with this order. Any
5 documentary exhibits that can reasonably be submitted on 8-1/2 by 11
6 inch paper shall be, with text on one side only.
- 7 3. **Submission of Exhibits to Court.** Parties intending to offer exhibits **shall**
8 **submit three (3) sets of exhibits in 3-ring binders**, as follows: one (1)
9 original and two (2) copies brought to the Court, 700 Stewart Street,
10 Courtroom 7106, Seattle, Washington. The binders shall include an
11 **index** of the exhibits, and **identifying tabs** using the number sequence as

set forth in subsection (1) above. Submissions shall be made by the
close of business on August 10, 2020.

f. **Non-Expert Witnesses.** The name and, if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises – shall be provided to all adverse parties by **August 6, 2020.**

g. **Motions in Limine.** Motions *in limine* shall be filed no later than **August 10, 2020.**

4. **Settlement.** The parties shall promptly notify the Court if the matter is settled.

5. **Confirmation.** The movant shall confirm that the evidentiary hearing is going forward not later than **August 7, 2020** and so advise all parties. **Failure to comply may result in the hearing being stricken and the case dismissed *with prejudice*.** Please confirm the hearing using the E-Docket Confirmation Process. For information concerning the E-Docket Confirmation Process, please visit the Court's website at <http://www.wawb.uscourts.gov>. *Pro se* parties may confirm a hearing by contacting Chambers, at (206) 370-5310.

6. **Continuances.** Typically continuances are granted only by agreement. A party seeking a continuance must contact Judge Barreca's Courtroom Deputy, Kim Kelley, at (206) 370-5311, for available future hearing dates. **It is the parties' responsibility to confer and agree on a future hearing date. Until the parties notify Chambers that they have agreed on a future hearing date provided by Ms. Kelley, the hearing will NOT be continued,** and the parties will be expected to appear for hearing as scheduled.

7. **Discovery Disputes.** In addition to the local and federal rules governing discovery disputes, the parties shall comply with Judge Barreca's required procedures for discovery disputes provided for on the court's website at <http://www.wawb.uscourts.gov/judge-marc-barreca>.

///End of Order///